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C O N F I D E N T I A L SECTION 01 OF 02 PORT AU PRINCE 001294

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E.O. 12958: DECL: 07/31/2017

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SUBJECT: PARLIAMENT/EXECUTIVE REACH AGREEMENT ON JUSTICE REFORM LEGISLATION

REF: A. PORT AU PRINCE 370
 [1B.](#) PORT AU PRINCE 1138
 [1C.](#) PORT AU PRINCE 1247

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Classified By: Ambassador Janet A. Sanderson for reasons 1.4 (b) and (d).).

[11.](#) (C) Summary: Parliament and the Ministry of Justice (MoJ) have resolved an impasse over justice reform legislation that parliament has been deliberating since May. Parliament's judicial committees capitulated on the most controversial issue: the structure of a judicial council. The presidents of the senate and chamber of deputies have called for votes on the legislation on July 31 and August 2, respectively. The conciliation came as a pleasant surprise to the involved parties and the international community, especially given previous efforts by Senator Youri Latortue to obstruct the MoJ's version of the reforms. Regardless, the difficulty of passing legislation through the chamber of deputies remains a hurdle to the success of the laws. End summary.

Parliament, MoJ Meet in the Middle

[12.](#) (U) Members of justice committees of both houses of parliament met with representatives of the MoJ (including Minister of Justice Rene Magloire, Secretary of State for Public Security Luc Eucher Joseph, Secretary of State for Reform Daniel Jean, and MoJ director general Josue Pierre Louis) July 24-27 to reconcile the differences among their drafts of three complementary justice laws. President Preval's justice commission, comprised of members of the legal community, civil society, and MINUSTAH's justice sector, facilitated the sessions. (Note: The three laws seek to establish a judicial council to oversee the judiciary, define the role of magistrates (''magistrates'' refers to investigators and district court judges), and re-open the school of magistrates (ref A). The senate justice committee led by Senator Latortue has been rewriting the laws since May, and Latortue has been reluctant to negotiate with the MoJ over the changes. End note.)

13. (SBU) Micha Gaillard, a member of the president's recently-formed justice commission, told Poloff on July 30 that he was thrilled by the progress made during the meetings, and confirmed that the group had reached consensus on all three proposed laws. The controversy over the judicial council stemmed from a disagreement over how much financial and administrative independence the council should have. The executive wanted to keep some oversight, but the parliamentarians favored complete independence, according to Gaillard. He said that "in theory," the parliament will vote on the laws immediately, but that he did not expect quick action given their tradition of moving very slowly on legislation.

14. (U) Philippe Lamarche, Country Director of the National Council of State Courts (NCSC), reported to Poloffs on July 25 that the MoJ and the parliamentarians addressed the most contentious issue in the legislation by dividing management of the budget between the judicial council and the ministry. (Note: NCSC is USAID's implementing partner for judicial reform. End note.) The council will control administrative costs such as the magistrates' salaries and funding for jury trials, but the MoJ will maintain control over some other parts of the budget, including funding for facilities. The compromise text also opens the judicial council to include members of civil society and the Bar Association.

Senate to Vote Immediately

15. (C) President of the Senate Joseph Lambert told Poloffs on July 27 that the senate will vote on the justice reform laws on July 31. He stated that the laws 'will pass' in the senate and said he was prohibiting senators from traveling on July 31 to ensure their presence for the vote. Lambert said that Senator Latortue apologized to him for his

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outburst against Lambert and the international community for interfering with the work of the justice committee (ref B), and he took the opportunity to pressure Latortue into negotiating with the executive and to produce a single text acceptable to all.

Vote in Chamber of Deputies Precarious

16. (C) President of the Chamber of Deputies Eric Jean-Jacques told poloff on July 27 that a vote on the three laws is on the chamber's agenda for August 2. However, justice committee member Deputy Ronald Lareche (Fusion, North East) told Poloff on July 27 that passing the laws in the chamber of deputies would be an arduous process. The chamber has not had a session in over a week due to lack of a quorum, and he predicted that the deputies will squabble over each individual article in the justice legislation. Lareche did confirm, however, that the parliamentarians and the ministry had reached consensus on the first two laws and were nearly finished with the third. (Note: The two groups reached consensus on the third law subsequent to this conversation. End note.)

17. (C) Comment: Securing a compromise from the parliamentary justice committees is a significant achievement for the MoJ and Preval's justice commission, and a positive indication that the GoH is serious about justice reform. Nevertheless, passing the laws through the parliament, particularly the chamber of deputies, remains a challenge. Senator Lambert has demonstrated many times that he controls the senate, so his assurance of a quick "yes" vote might hold water. Lambert's strong-arming of Senator Latortue is another testament to his power, although speculation continues among the international community that Latortue's sudden cooperation is a reaction to recent operations against drug traffickers (ref C).

SANDERSON